

No. 9/6/86-6Lab./3713.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Bajaj Industries, Industrial Area, Kungpura Road, Karnal.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 43 of 1986

SHRI UDHAM SINGH, WORKMAN AND THE MANAGEMENT OF THE MESSRS BAJAJ INDUSTRIES, INDUSTRIAL AREA, KUNGUPURA ROAD, KARNAL.

Present:—Shri Jang Bahadur, for workman.

Shri J. P. Singh, for respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Udhram Singh and Messrs Bajaj Industries, Industrial Area, Kungpura Road, Karnal to this Court. The terms of reference are as under:—

“Whether termination of services of Shri Udhram Singh, s/o Shri Kartara Singh is justified and correct, if not, to what relief is he entitled?”

Workman through his demand notice, dated 17th January, 1985 alleged that he was in the service of respondent as a Helper since January, 1984 at the monthly pay of Rs. 275 on 3rd January, 1985 his services were terminated in violation of section 25 (F) of Industrial Disputes Act, 1947. Workman has prayed for his reinstatement with continuity in service and with full back wages.

Respondent management appeared. Parties submitted Ex-C-1. Statement of parties have been recorded as per statement of A. R's of the parties it was agreed upon that the reference may be disposed of in terms of award Ex-C-1. According to compromise Ex-C-1 it was agreed between the parties that a sum of Rs. 200/- has been paid to the workman. Workman has waived all other reliefs claimed by him under the reference. So I pass award regarding the dispute in question accordingly.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 958, dated the 28th March, 1986

Forwarded (Four Copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

The 7th May, 1986

No. 9/7/86-6Lab./3356.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Jhankar Restaurant, Panchayat Bhawan, Bhiwani.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 84 of 1985

between

SHRI HUKAM CHAND, WORKMAN AND THE MANAGEMENT OF M/S. JHANKAR RESTAURANT, PANCHAYAT BHAWAN, BHIWANI

Present.—

Petitioner in person.

None for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Hukam Chand and the management of M/s. Jhankar Restaurant, Panchayat Bhawan, Bhiwani, to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. 23297—302, dated 30th May, 1985 :—

Whether the termination of services of Shri Hukam Chand is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Chowkidar since 2nd October, 1980 and all through his work and conduct has been satisfactory and that on 26th December, 1984 he suddenly fell ill when on 27th December, 1984 he went to resume his duty, he was not allowed to do so and in this way the management terminated his services.

3. Initially the management put his appearance through Shri B. R. Punia its Authorised Representative but later on absented and as such *ex parte* proceedings order, dated 23rd August, 1985 was passed against the respondent.

4. In *ex parte* evidence, the petitioner appeared as WW-1 and made a statement completely in corroboration of the allegations made in the Claim-statement and as such, I need not suffer repetition.

5. I, see no reason to disbelieve the unrebuted testimony of the petitioner and hold that the respondent unlawfully terminated the services of the petitioner on 27th December, 1984 without complying with the provisions of section 25F of the Industrial Disputes Act, 1947, because termination of services of the petitioner squarely falls within the ambit of term “retrenchment” as defined in section 2(oo) of the Industrial Disputes Act, 1947. So, the petitioner is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly with no order as to cost.

B. P. JINDAL,

Dated, the 17th March, 1986.

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bhiwani.

Endst. No. 84-85/549, dated 4th April, 1986

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bhiwani.

No. 9/786-6Lab/3357.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of (i) Secretary, H.S.E.B., Chandigarh, (ii) Xen. Sub-Urban Division, 32 KV., H.S.E.B., Fazilpur (Sonepat).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 161 of 85

between

SHRI SURESH KUMAR, WORKMAN AND THE MANAGEMENT OF (I) SECRETARY, HSEB, CHANDIGARH, (II) XEN. SUB-URBAN DIVISION, 32 KV., HSEB, FAZILPUR (SONEPAT).

Present :

Petitioner with Shri V. S. Singal his Authorised Representative.

Shri N.P. Singh, Authorised Representative for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 the Governor of Haryana, referred the following dispute, between the workman Shri Suresh Kumar and the management of the (i) Secretary, HSEB, Chandigarh, (ii) Xen, Sub-Urban Division, 32 KV, HSEB, Fazilpur (Sonepat) to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. 38453—59, dated 17th September, 1985 :—

Whether the termination of services of Shri Suresh Kumar is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Fitter since 25th June, 1978 and that on 25th September, 1984 the respondent choose to terminate his services unlawfully and that his previous service record was blemishless and that there was no justification for the respondent terminating his services.

3. In the reply filed by the respondent, the claim of the workman has been controverted to the extent that his services were terminated. It is alleged that he started absenting from his duties of his own since 8th August, 1984.

4. Today, the parties have compromised ; whereunder, the respondent has agreed to reinstate the petitioner within a week as a Fitter. The petitioner has agreed to relinquish his back wages. The respondent has agreed to give him benefits of previous service under the Rules. So, nothing servives for adjudication and answered accordingly with no order as to cost.

Dated 25th March, 1986.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 161-85/550, dated 4th April, 1986

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/7/86-6Lab./3358.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of (i) Secretary, H.S.E.B., Chandigarh, (ii) Executive Engineer, H.S.E.B., Jind.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 175 of 85

between

SHRI PALA RAM, WORKMAN AND THE MANAGEMENT OF (I) SECRETARY,
H.S.E.B., CHANDIGARH, (II) EXECUTIVE ENGINEER, HSEB, JIND.

Present :—

Petitioner in person with Shri B. M. Lal, Authorised Representative for the workman.
Shri N. P. Singh, Law Officer, of the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Pala Ram and the management of (i) Secretary, HSEB, Chandigarh, (ii) Executive Engineer, HSEB, Jind, to this Court, for adjudication, —*vide* Haryana Government Gazette Notification No. 42352—58, dated 15th October, 1985 :—

Whether the termination of services of Shri Pala Ram is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a daily wages since 1st March, 1980 and that the respondent terminated his services with effect from 7th January, 1984 in flagrant dis-regard of the provisions of the Industrial Disputes Act, 1947.

3. Before any reply could be filed, the respondent agreed to reinstate the workman with all benefits of previous service. The workman has agreed to relinquish his back wages. In that behalf, statement of the workman has been recorded. He has since been reinstated with effect from 14th March, 1986. So, now, nothing survives for adjudication. The reference is answered and returned accordingly with order as to cost.

B. P. JINDAL,

Dated, 25th March, 1986

Presiding Officer,
Labour Court, Rohtak,

Endst. No. 175-85/551, dated the 4th April, 1986

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/7/86-6Lab/3359.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Kundra Shoes (P) Ltd., Kundli (Sonepat):—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 185 of 1985

between

SHRI SADA VARKSH, WORKMAN AND THE MANAGEMENT OF M/S KUNDRA SHOES (P) LTD., KUNDLI, (SONEPAT).

Present :—

Shri Hawa Singh, A. R. for the workman.

None, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Sada Varksh and the management of M/s Kundra Shoes (P) Ltd., Kundli (Sonepat), to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. 44861—66, dated 6th November, 1985 :—

Whether the termination of services of Shri Sada Varksh is justified and in order ? If not, to what relief is he entitled?

2. After receipt of the order of references notices were issued to the parties. The petitioner appeared but the respondent deliberately refused service of the notice and as such, *ex parte* proceeding order was passed against the respondent by me on 27th December, 1985. Otherwise, the claim of the petitioner is that he was employed with the respondent as a Machine Operator since 9th January, 1983 on monthly wages of Rs. 300/- and that the respondent choose to terminate his services on 29th July, 1985 without any lawful excuse and as such, order of termination was illegal and arbitrary and runs counter to the provisions of section 25F and G of the Industrial Disputes Act, 1947.

3. In *ex parte* evidence, the petitioner appeared as WW-1 and made a statement completely in corroboration of the allegations made in the demand notice and as such, I need not suffer repetition.

4. I see no reason to disbelieve the unrebutted testimony of the petitioner and hold that the respondent unlawfully terminated the services of the petitioner on 29th July, 1985 without complying with the provisions of section 25F of the Industrial Disputes Act, 1947 because termination of services of the petitioner squarely falls within the ambit of term "retrenchment" as defined in section 2(00) of the Industrial Disputes Act, 1947. So, the petitioner is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly with no order as to cost.

B. P. JINDAL,

Dated the 7th March, 1986.

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sonepat.

Endst. No. 185-85/552, dated the 4th April, 1986.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sonepat.

The 21st May, 1986

No. 9/8/86-6 Lab./3694.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Aqua Metal, Plot No. IC/71, N.I.T, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER,
LABOUR COURT, FARIDABAD

Reference No. 24 of 1985

between

SHRI DALBIR, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
AQUA METAL, PLOT NO. IC/71, NIT, FARIDABAD

Present.—

Shri Amar Singh Sharma, for the workman.

Shri S. P. Rana, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Dalbir and the respondent-management of M/s Aqua Metal, Plot No. IC/71, NIT, Faridabad, has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/174-84/5858-63, dated 15th February, 1985 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Balbir, was justified and in order? If not, to what relief is he entitled?

According to the demand notice, the workman was employed on 1st September, 1980 and his services were illegally terminated on 7th July, 1984. He has prayed for reinstatement with full back wages and continuity of service. In this claim statement, he has further alleged that he was victimised on account of being member of the union and demanded double overtime.

This claim has been contested. It is alleged that the workman has lost his lien on service. Objection is taken that the factory is registered under Punjab Shops and Commercial Estt. Act. Hence the workman is not entitled to any relief under section 25-F of the Industrial Disputes Act and that the management has not terminated his services. He himself left the services of his own on 30th June, 1984.

Rejoinder has been filed denying the above said averments. The reference was contested on the following issues :—

1. Whether the claimant has lost his lien by absenting himself ?
2. Whether the respondent-management is covered under the Punjab Shops and Commercial Estt. Act ? If so, to what its effect ?
3. As per reference ?

I have heard the representatives of both the parties and gone through the evidence on record. My findings on the issues are as under :—

Issue No. I:

The workman has denied that he left the service of his own. Whereas Shri Amarjit Singh Sehgal, who has appeared as MW-1 has stated that the workman has left the services of the management on 30th June, 1984 and he took his wages on 30th June, 1984. There is no cogent reason that the workman left the service of his own. Hence this issue is decided against the management.

Issue No. II:

It is alleged that the factory is covered under the Punjab Shops and Commercial Estt. Act. Reliance is placed on Ex. M-2 and M-3. According to this certificate the management was registered under Punjab Shop and Commercial Estt. Act, in the year 1976. There is no evidence that it was also registered under the same Act in the year 1984 when the workman was working with the management. It cannot be said that the Establishment is still covered under the Punjab Shops and Commercial Estt. Act. Hence this issue is decided against the management.

Issue No. III:

The workman has stated that he joined the respondent-management on 1st September, 1980. The management has contended that he was employed on 1st May, 1984. The workman has stated in his evidence that there are two firms M/s. V. G. Casting and the respondent management who were owned by the same person Shri Amar Jit Singh Sehgal. He has produced his identity card dated 15th January, 1984. According to this certificate he was employed in M/s. V. G. Castings. It is therefore, clear that he was not employee of the respondent M/s. Aqua Metal. Hence the averments of the management that he was appointed on 1st May, 1984 is correct. His services were terminated on 30th June, 1984. He has completed two months of service. Hence the provisions of section 25-F of the Industrial Disputes Act were not directed. M-1 also shows that the workman applied for appointment on 28th April, 1984. As the provisions of 25-F did not apply in the present case. Hence the services of the workman could be terminated at any time before he completed 240 days of service continuously in a year. At the time of termination. He had completed 2 months of service. Hence the order of termination was legal and justified.

The award is given accordingly.

Dated the 19th March, 1986.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 995, dated the 16th April, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.